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Letter dated 31 July 2007 from the Secretary-General addressed to the President of the Security Council

By its resolution 1504 (2003) of 4 September 2003, the Security Council appointed Carla Del Ponte as Prosecutor of the International Criminal Tribunal for the Former Yugoslavia. In accordance with the statute of the International Tribunal, the term of office of Ms. Del Ponte will come to an end on 14 September 2007.

In accordance with article 16, paragraph 4, of the statute of the International Criminal Tribunal for the Former Yugoslavia, the Prosecutor is appointed by the Security Council on nomination by the Secretary-General.

Ms. Del Ponte has indicated that she does not wish to be considered for reappointment for a new term. However, she would be willing to have her present term as Prosecutor of the International Tribunal extended, under the same conditions, until 31 December 2007, pending the appointment of a new Prosecutor.

In light of the above, I am of the view that as the International Tribunal moves closer to completion of its mandate, adoption of this measure would be indispensable for two reasons. Should the Security Council agree with this approach, it would allow more time for appropriate consultations regarding the appointment of her successor. In the interests of consistency, continuity, stability, and effectiveness of the International Tribunal, this course of action would avoid the difficulties associated with an interim solution at a critical time in its operations.

I hereby suggest that you and, through you the Security Council consider the extension of Carla Del Ponte's appointment until the end of the year. It would be my intention in due course to submit to the Council the name of my nominee for the position of Prosecutor of the International Tribunal.

(*Signed*) **Ban** Ki-moon

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